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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/491,388	01/26/2000	Robert Cadoux	99629	8477

7590 02/14/2002

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EXAMINER

PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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2164

DATE MAILED: 02/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/491,388

Applicant(s)

CADOUX

Examiner

Jeffrey C Pwu

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Title

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by *Traub* (US 5,940,810).

Traub et al. teaches an method for offering stock, comprising:

- ▶ offering a first portion of shares of the stock at a first price (abstract; col.1, line 62-col.2, line 6; Monte Carlo Technique or SOBOL method);
- ▶ offering a second portion of the shares at a second price after a first trading interval of a first predetermined time period after the offering of the first portion (it is

inherent to offer a second portion of the shares at a second price after the computed estimate based on either Monte Carlo Technique or SOBOL ^{TO} and determine the second price);

- ▶ offering the second portion of the shares at a second price equal to the first price (col.2, lines 42-54);

- ▶ offering a second portion of the shares equal in number to the first portion of the shares (it is inherent to offer a second portion of the shares equal in number to the first portion of the shares depending on the estimation of the models);

- ▶ offering the second portion after a first trading interval of at least one hour after the offering of the first portion (it is inherent to determine the estimates duration of time based on either Monte Carlo technique or SOBOL model);

- ▶ offering a plurality of portions of shares of stock over a plurality of serial offering stages, such that the offering stages are separated by at least one trading interval of a predetermined time period (abstract; col.1, line 62-col.2, line 6; Monte Carlo Technique or SOBOL method);;

- ▶ trading at least one portion of the shares during the at least one trading interval (col.2, lines 42-54);

▸ offering a plurality of equal portions of the shares over the plurality of serial offering stages;

▸ offering a first portion at a first price; and

▸ offering a second portion of the shares at a second price after a first trading interval of a first predetermined time period after the offering of the first portion of the shares, wherein the second price is equal to a closing price of the first portion of the shares at an end of the first trading interval (it is inherent to offer a second portion of the shares at a second price after a first trading interval of a first predetermined time period depending on either Monte Carlo Technique or SOBOL computation method to determine the second price).

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Jeffrey Pwu whose telephone number is (703) 308-7835.

Jeffrey Pwu



Feb 9, 2002